IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3583 OF 2004

Geeta K. Bhatia Plaintiff

versus

Narendra Soni and another Defendants

Mr.Bharat Joshi for plaintiff.

None for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12th July 2005

PC :

1. Learned advocate appearing for plaintiff tenders an affidavit proving service. The same is taken on record and marked "X" for identification. He tenders compilation of original documents along with list. Same is also taken on record and marked "X-1" for identification.

2. There is no appearance filed by the defendants although they have duly received writ of summons. This is a summary suit where the plaintiff is suing on the basis of four bills of

exchange of Rs.25,000/- each. They have been accepted by defendant no.2. Interest has also not been paid. The Bills of Exchange upon presentation, were dishonoured by the defendants. Thereafter, repeatedly demands were made but the amounts have not been paid. Advocate's notice calling upon plaintiff to pay a sum of Rs.1,00,000/- with interest came to be served. Averments as referred to above would demonstrate that the plaintiff can maintain the claim under Order XXXVII of the Code of Civil Procedure. In the light of the fact that the suit has been filed on 17th December 2004, the claim is not barred by limitation. Thus, the plaintiff is entitled to a decree.

3. There shall be a decree as prayed. Refund of court fees and computation of advocates' costs as per rules.

(S.C.DHARMADHIKARI, J.)